



Office of Environment, Safety, and Health

10 CFR 851 Worker Safety and Health Program

Overview

Office of Worker Protection Policy and
Programs

Helping the field succeed with safe and reliable operations.





Worker Safety and Health Program

10 CFR 851

◆ Brief History

- December 2, 2002 – 107th Congress Amends AEA
Adding Section 234.C
- December 18, 2003 - Notice of Proposed Rulemaking
- February 27, 2004 - Notice Suspended
- January 26, 2005 - Supplemental Notice Published
- February 9, 2006 - Final Rule Published





AEA - Section 234C

- ◆ **Secretary of Energy Shall Promulgate Regulations for Industrial and Construction Safety and Health**
 - Provide a level of protection that is substantially equivalent to that currently provided.
- ◆ **Flexibility**
 - Tailor to Reflect Activities and Hazards
 - Special Circumstances
 - National Security
- ◆ **Penalties**
 - Civil Penalties up to \$70,000 for each Violation, or
 - Contract Penalties





10 CFR 851- General Provisions

- ◆ **Scope**

- Contractor activities at DOE

- ◆ **Exclusions**

- Sites Regulated by OSHA
- Navy Nuclear Propulsion
- Radiological Hazards (10 CFR 835)
- Transportation To and From DOE sites





10 CFR 851- Program Requirements

- ◆ **General Duty**
- ◆ **Written Safety and Health Program**
 - **Describe How Contractor Will Comply with Requirements of Subpart C**
 - **Approved by Head of DOE Field Element**
 - **Approval by February 26, 2007**
 - **Copy Sent to Assistant Secretary for Environment, Safety and Health**
 - **Give Labor Organization Timely Notice**





Subpart C

Specific Program Requirements

- ◆ **Management and Worker Responsibilities**
- ◆ **Hazard Identification**
- ◆ **Hazard Prevention**
- ◆ **Safety and Health Standards**
- ◆ **Functional Areas (Appendix A)**
- ◆ **Training**
- ◆ **Record Keeping**
- ◆ **References**





10 CFR 851- Variances

- ◆ **Similar to OSHA**
- ◆ **Application**
 - **Contractor → Cog. Sec. Officer → EH →
Under Sec/Administrator**





Implementation Assistance

- ◆ **Meetings and Tele-video**
 - **Federal DOE Hq and Field staff**
- ◆ **Workshops**
 - **Federal and Contractor Attendance - Early Fall**
- ◆ **Implementation Guide**
 - **Due into REVCOM by mid June**
 - **Intermediate Draft available**
- ◆ **Response Line for Questions**
 - **800-292-8061 or 301-903-9976**
- ◆ **Web site:**
 - **<http://www.eh.doe.gov/health/rule851/851final.html>**

